

MEMORANDUM

TO: REOI Recipients

FROM: Kitty McIlroy, Project Manager *KM*

DATE: June 17, 2024

SUBJECT: Addendum No. 7 to the Request for Expressions of Interest (“REOI”) for Design, Build and Operate: Solar Installations on Municipal Solid Waste Property and Infrastructure AND/OR Systems for Beneficial Use of Landfill Gas for Mainly Small, Closed and/or Rural Landfills: Utilizing Standard or Mobile Turbines/Engines, Compressed Natural Gas/Renewable Natural Gas and/or Power Purchase Services, dated March 22, 2024.

This Addendum No. 7 is to answer an additional Contractor question in order to clarify the terms of the REOI.

Answers issued by written addenda will be binding on the Northeast Maryland Waste Disposal Authority (“Authority”) and the Contractors, including the answers provided below.

As a reminder, the REOI Response due date is Monday, June 24, 2024 by 4:00 p.m. (local time).

Question #1:

Regarding requirement 7. Can I get a copy of the Agreement and Confirmation? Is it in the Master Service Agreement? I could not find it on the procurement page.

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nmwda.org / Business-to-Business Recycling: mdrecycles.org
Tower II – Suite 402, 100 S. Charles Street, Baltimore, MD 21201-2705

Comprehensive Waste Management Through Recycling, Reuse, Resource Recovery and Landfill

MEMBERS:

Rhody R. Holthaus, Anne Arundel County / Vacant, Baltimore City / D’Andrea L. Walker, Baltimore County / Clifford J. Engle, Carroll County
Phillip S. Harris, Frederick County / Joseph J. Siemek, Harford County / Mark A. DeLuca, Howard County / Guillermo Wainer, Montgomery County
Charles Glass, Maryland Environmental Service / Andrew Kays, Executive Director



7) The Contractor shall confirm mutual agreement, if awarded a Master Service Agreement, that the length of the term would begin on the execution date and extend until June 30, 2030. The Authority and Member Jurisdictions reserve the right, at their sole option, to renew the Agreement and applicable Confirmations for up to five (5) five (5) year optional renewal terms, on the same terms and conditions to be set forth in the **Agreement and Confirmation**. For additional background, due to the Authority's rules and regulations, as well as established case law, the Authority requires a competitive procurement process that does not allow for mutual renewal of options for contracts (see COMAR Sec. 14.13.01 (Procurement Procedures) and Mayor of Baltimore v. Bio Gro Systems, Inc., 300 Md. 248 (Md. 1984)). If the Contractor would like to request a longer term, please include that term in your response, for consideration. Please also confirm agreement that any Member Jurisdiction may, without liability, terminate the Confirmation for its own convenience upon written notice to the Contractor at least 60 days prior to the effective date for such termination. In the event of any such termination, the Contractor/Member Jurisdiction shall only be entitled to compensation for the earned value of work performed up to the date of such termination.

Answer:

The Master Service Agreement(s) and applicable Confirmation(s) are not yet drafted as it is too premature in the REOI process. Any resulting Master Service Agreement(s) and applicable Confirmation(s) are to be drafted by the Authority and negotiated among the Authority, awarded Contractor(s) and applicable Member Jurisdictions, based on Contractor responses to this REOI. The statement in the above Question #1 describes one term that will be included in the Master Service Agreement(s) and Confirmation(s) and the Authority is requesting Contractor written confirmation and agreement to this term in its response to the REOI.

Additionally, for clarity, the above statement:

“7) The Contractor shall confirm mutual agreement, if awarded a Master Service Agreement, that the length of the term would begin on the execution date and extend until June 30, 2030. The Authority and Member Jurisdictions reserve the right, at their sole option, to renew the Agreement and applicable Confirmations for up to five (5) five (5) year optional renewal terms, on the same terms and conditions to be set forth in the **Agreement and Confirmation**.”

Was amended and replaced in Addendum No. 6 with the following language:

“The Contractor shall confirm mutual agreement, if awarded a Master Service Agreement, that the length of the term would begin on the execution date and extend until June 30, 2030. The Authority and Member Jurisdictions reserve the right, at their sole option, to renew the Agreement and applicable Confirmations for up to eight (8) five (5) year optional renewal terms, on the same terms and conditions to be set forth in the Agreement and Confirmation.”